

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWO

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 18347 of 2002

Between:

Manikanta Modern School, English Medium, Dharmaram, rep.by its

Correspondent Jaina Rama Devi, w/o. Suresh, Dharmaram,

Karimnagar District.

..... PETITIONER

AND

1. The District Educational Officer, Karimnagar.

2. The Mandal Educational Officer, Dharmaram, Karimnagar Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari calling for all the connected records including the impugned proceedings of the first respondent in Proceedings No.3099/E3/2001-02, dated 16-9-2002 and quash the same as illegal, improper, unjust and arbitrary and contrary to law and violation of the principles of natural justice and contrary to Rule 11 of the A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993 and further declare the high-handed action of the second respondent in locking and putting the seals in the premises of the school as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioner : MR.K.G.KRISHNA MURTHY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

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ORDER :

The petitioner is aggrieved by the proceedings of first respondent bearing No.3099/E3/2001-2002, dated 16-9-2002 whereby and whereunder first respondent cancelled the permission granted to the petitioner for opening a School at Dharmaram, Karimnagar District. The impugned order is challenged *inter alia* on the ground that the same was not preceded by a show-cause notice as mandatorily required by proviso to Rule 11 of Andhra Pradesh Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Managements) Rules, 1993. This is not specifically denied by the other side. Therefore, the impugned order is set aside observing that it shall be open to first respondent to follow the due process of law and take appropriate action against the petitioner School.

The writ petition, with the above observations, is allowed. No costs.

(V.V.S.RAO, J.)

06-10-2004.

Msr.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the Sixth Day of October, Two Thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Educational Officer, Karimnagar.
2. The Mandal Educational Officer, Dharmaram, Karimnagar Dist.
3. 2CCs to G.P. for School Education, High Court Buildings, Hyd.(OUT)
4. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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06-10-2004.

(Msr)